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*Attorneys for Defendants Michael K. Sun and
Mohammed A. Al-Barwani*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

JAMMIN' JAVA CORP., dba
MARLEY COFFEE, SHANE G.
WHITTLE, WAYNE S. P.
WEAVER, MICHAEL K. SUN,
RENE BERLINGER, STEPHEN B.
WHEATLEY, KEVIN P. MILLER,
MOHAMMED A. AL-BARWANI,
ALEXANDER J. HUNTER, and
THOMAS E. HUNTER,

Defendants.

) Case No. 2:15-CV-08921-SVW-MRW

) Hon. Stephen V. Wilson

) **JOINT REQUEST TO EXTEND TIME**
) **TO RESPOND TO FIRST AMENDED**
) **COMPLAINT; DECLARATION OF**
) **PATRICK J. BOYLE IN SUPPORT**
) **THEREOF**

) Action filed: Nov. 17, 2015
) Mot. to Dismiss Granted: Jul. 21, 2016
) Amended Complaint Filed: Aug. 8, 2016
) Current Response Date: Aug. 25, 2016
) New Response Date: Sept. 8, 2016

) Trial date: April 25, 2017

1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 Plaintiff Securities and Exchange Commission (the "SEC") and Defendants
3 Michael K. Sun ("Sun") and Mohammed A. Al-Barwani ("Al-Barwani"), by and
4 through their respective counsel of record, hereby request as follows:

5 WHEREAS, the parties received notice that the Court granted Sun and Al-
6 Barwani's Motions to Dismiss on July 21, 2016 (Dkt. No. 118);

7 WHEREAS, the SEC filed its First Amended Complaint (the "Amended
8 Complaint") on August 8, 2016 (Dkt. No. 121);

9 WHEREAS, pursuant to Fed. R. Civ. P. 15(a)(3) and 6(d), Sun and Al-Barwani
10 must answer or otherwise respond to the Amended Complaint on or before August 25,
11 2016;

12 WHEREAS, there is good cause to extend Sun and Al-Barwani's response date,
13 as Defendants Sun and Al-Barwani's counsel have pre-existing conflicts in the
14 upcoming weeks that justify the allowance of additional time to assess and adequately
15 respond to the Amended Complaint's allegations;

16
17 NOW THEREFORE, the SEC, Sun and Al-Barwani respectfully request that
18 the Court enter an order extending Sun and Al-Barwani's time to respond to the
19 Amended Complaint until September 8, 2016.

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21 SO STIPULATED:
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1 Pursuant to Local Rule 5-4.3.4(a)(2)(i), I hereby attest that Timothy S. Leiman,
2 counsel for Plaintiff U.S. Securities and Exchange Commission concurs in the content
3 of this filing and has authorized the filing.

4
5 Dated: August 16, 2016

By: /s/ Patrick J. Boyle

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22 *Attorneys for Defendants Michael K. Sun and*
23 *Mohammed A. Al-Barwani*

24 Dated: August 16, 2016

By: /s/ Timothy S. Leiman

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Attorney for Plaintiff U.S. Securities and Exchange
Commission

DECLARATION OF PATRICK J. BOYLE

I, Patrick J. Boyle, declare as follows:

1. I am an attorney licensed to practice in the states of New York and New Jersey and admitted *pro hac vice* to practice before this Court. I am a partner at the law firm Venable LLP, counsel for Defendants Sun and Al-Barwani in the above-captioned action. I have personal knowledge of the facts set forth herein, and if called to testify as a witness thereto, could do so competently under oath;

2. Counsel for Defendants Sun and Al-Barwani have pre-existing conflicts in the upcoming weeks including, but not limited to, vacations and out-of-state depositions.

3. On August 11, 2016 I conferred with Timothy Leiman, counsel for plaintiff the U.S. Securities and Exchange Commission, and we agreed that there is good cause to extend Defendants Sun and Al-Barwani's response date to September 8, 2016 so that Defendants' counsel may adequately assess and respond to the Amended Complaint.

Executed on August 16, 2016 in New York, New York

/s/ Patrick J. Boyle

Patrick J. Boyle

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